

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:  
WILLIAM F. AHMANN  
PERKINS COIE LLP  
101 JEFFERSON DRIVE  
MENLO PARK, CA 94025

Date of mailing  
(day/month/year) **24 APR 2008**

Applicant's or agent's file reference  
57159-8015.WO01

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.  
PCT/US 07/10601

International filing date (day/month/year)  
01 May 2007 (01.05.2007)

Priority date (day/month/year)  
01 May 2006 (01.05.2006)

International Patent Classification (IPC) or both national classification and IPC  
IPC(8) - H04K 1/00 (2008.04)  
USPC - 705/51

Applicant **BROADON COMMUNICATIONS CORP.**

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US  
Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Date of completion of this opinion  
**02 April 2008 (02.04.2008)**

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300  
PCT OSP: 571-272-7774

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 07/10601

## Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed.
  - ☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 07/10601

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	5, 8, 17, 23	YES
	Claims	1-4, 6-7, 9-16, 18-22	NO
Inventive step (IS)	Claims	none	YES
	Claims	1-23	NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims	none	NO

## 2. Citations and explanations:

Claims 1-4, 6-7, 9-16 and 18-22 lack novelty under PCT Article 33(2) as being anticipated by US 2006/0080529 A1 to Yoon et al. (hereinafter 'Yoon').

As per claim 1, Yoon discloses a system comprising: a server capable of providing a first digital content unit, C.a(x) (abstract), wherein content, C, is coded with a first digital format, .a (see para [0022]-[0023]), and use-right protected by a first digital rights management (DRM), x (see para [0022]), wherein the first DRM includes usage parameters (see para [0027]); a translator capable of converting the first digital content unit into a second digital content unit, C.b(y) (see para [0023]), wherein the content is coded with a second digital format, .b, and use-right protected by a second DRM, y (see para [0022]-[0023] and [0027]-[0028]); wherein, in operation, the server provides the first digital content unit, the translator converts the first digital content unit to a second digital content unit (see para [0023]), and the content is executed on a player that is compatible with the second digital content unit (see para [0030] and [0045]).

As per claim 2, Yoon further discloses wherein, in operation, the translator converts multiple first digital content units, C.a1 (X1) to C.aN(xN), into the second digital content unit (see para [0054]-[0059]).

As per claim 3, Yoon further discloses a system wherein, in operation, the translator converts the first digital content unit into multiple second digital content units, C.b1 (y1) to C.bN(yN) (see para [0054]-[0059]).

As per claim 4, Yoon further discloses wherein, in operation, the translator converts multiple first digital content units, C.a1 (X) to C.aN(xN), into multiple second digital content units, C.b1 (y1) to C.bN(yN) (see para [0054]-[0059]).

As per claim 6, Yoon further discloses wherein, in operation, the translator is invoked by a user device upon acquisition of the first digital content unit from the server (see para [0010]-[0013]).

As per claim 7, Yoon further discloses wherein, in operation, purchase data associated with the content is used in making the content compatible with the second DRM (see para [0043]).

As per claim 9, Yoon further discloses wherein, in operation, the translator is guided by data selected from the group consisting of: purchasing transaction data, associated transaction data, type of first digital content unit data, type of second digital content unit data, data associated with finding an appropriate second digital content unit into which to convert the first digital content unit, data associated with a player of the content that is compatible with the second digital content unit (see para [0043]-[0045]).

As per claim 10, Yoon further discloses wherein the content data is cached local to the translator after being converted into a format compatible with a user (see para [0015], [0047] and abstract).

As per claim 11, Yoon further discloses wherein at least some of the content data is encrypted and the license data includes an encryption key, wherein the translator is further capable of converting the encrypted content data to a different format using the encryption key (see para [0023]-[0025]).

As per claim 12, Yoon further discloses wherein the usage parameters of the first DRM are replaced by new usage parameters according to a business logic (see para [0054]).

As per claim 13, Yoon discloses a method comprising: receiving a digital medium including license data compatible a first DRM and content data (see para [0022]-[0023]); translating license data to be compatible with a second DRM (see para [0023]); adding translated license data to the digital medium (Fig 5); sending the digital medium including the translated license data (Fig 5).

As per claim 14, Yoon further discloses wherein the digital medium includes an authentication signature, further comprising: checking the authentication signature for validity (see para [0030] and [0043]); leaving the license data untranslated if invalid (see para [0044]).

As per claim 15, Yoon further discloses checking license data to determine if translation is supported for the license data (see para [0027]-[0028]).

-- continued in supplemental box --

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 07/10601

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of:  
box v, part 2 (citations and explanations)

As per claim 16, Yoon further discloses making the license data into usage parameters, wherein the usage parameters are described in a format which can be translated without knowing the specifics of a source license format (see para [0022], [0027]-[0028] and [0095]).

As per claim 18, Yoon discloses a system comprising: a processor; and memory coupled to the processor, wherein the memory stores program modules executable by the processor (see para [0096]); the memory including: a license parsing module capable of changing license data into parameters of usage (see para [0027]-[0028] and [0054]); a license conversion module capable of making the parameters of usage into license data compatible with a DRM (see para [0023]-[0028] and [0066]); a license formatting module capable of recording usage rights recorded in the license data compatible with a first DRM in license data compatible with a second DRM (see para [0066]).

As per claim 19, Yoon further discloses wherein the memory further comprises a signature checking module capable of verifying the validity of a license authentication signature (see para [0030] and [0043]-[0044]).

As per claim 20, Yoon further discloses wherein the memory further comprising a signing module capable of adding an authentication signature to the license data (see para [0084]).

As per claim 21, Yoon further discloses wherein the memory further comprises a library including translation data used by the license conversion module (DRM conversion server, see para [0023]).

As per claim 22, Yoon further discloses wherein the memory further comprises a library including translation data used by the license conversion module, wherein, in operation, the library is updated with new translation data (see para [0023] and [0061]).

Claims 5, 8, 17 and 23 lack inventive step under PCT Article 33(3) as being obvious over Yoon in view of US 2005/0232284 A1 to Karaoguz et al. (hereinafter 'Karaoguz').

As per claim 5, Yoon discloses a system, as described above, for translating digital content but does not specifically disclose wherein, in operation, the translator is invoked manually by a user. Karaoguz, however, discloses wherein, in operation, the translator is invoked manually by a user (see para [0034]). It would have been obvious to one of ordinary skill in the art to combine the teachings of Yoon with Karaoguz because adding manual invoking by the user enhances the user control and functionality over the translating of content, thereby increasing the overall appeal of Yoon.

As per claim 8, Yoon discloses a system, as described above, for translating digital content but does not specifically disclose wherein, in operation, purchase data associated with the content is embedded in an e-commerce transaction associated with the content is concluded or subsequently after the e-commerce transaction is concluded, at a location through which the content is offered. Karaoguz, however, discloses wherein, in operation, purchase data associated with the content is embedded in an e-commerce transaction associated with the content is concluded or subsequently after the e-commerce transaction is concluded, at a location through which the content is offered (see para [0039]-[0043]). It would have been obvious to one of ordinary skill in the art to combine the teachings of Yoon with Karaoguz because incorporating end of an e-commerce transaction enhances the commercial appeal of Yoon by imbedding the translating step in a financial transaction, thereby increasing the overall appeal of Yoon.

As per claim 17, Yoon discloses a method, as described above, for translating licenses but does not specifically disclose wherein the translation of license data is lossy and approximations are used to reduce the loss of license data. Karaoguz, however, discloses wherein the translation of license data is lossy and approximations are used to reduce the loss of license data (see para [0050] and [0080]). It would have been obvious to one of ordinary skill in the art to combine the teachings of Yoon with Karaoguz because adding a lossy translation provides the advantage of providing alternative formats which would be useful based on bandwidth or privilege parameters.

As per claim 23, Yoon further discloses wherein the second DRM is not capable of enforcing all usage rights recorded in the license data (see para [0027] and [0048]). Yoon, however, does not specifically disclose wherein the license conversion module is configured to reduce the loss of usage rights in a lossy creation of license data compatible with the second DRM wherein information is approximated or omitted to reduce the loss of usage rights information. Karaoguz, however, discloses and information is approximated or omitted to reduce the loss of usage rights information and information is approximated or omitted to reduce the loss of usage rights information (see para [0050] and [0080]). It would have been obvious to one of ordinary skill in the art to combine the teachings of Yoon with Karaoguz because adding a lossy translation provides the advantage of providing alternative formats which would be useful based on bandwidth or privilege parameters.

Claims 1-23 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.